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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/241,319 02/01/99 ANDERSON

S 99-0008-1

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MM91/0118

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EXAMINER
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CYMER  
LEGAL DEPARTMENT  
16750 VIA DEL CAMPO COURT  
SAN DIEGO CA 92127-1712

RODRIGUEZ, A

ART UNIT	PAPER NUMBER
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2877

DATE MAILED:

*3*  
01/18/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/241,319

Applicant(s)

ANDERSON, STUART L

Examiner

Armando Rodriguez

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 1999 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the **analog-to-digital converter** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

### *Claim Objections*

**Claims 1,2,4,5,7,8,9, and 12** are objected to because of the following informalities:

Contradiction has been found by the examiner with reference to the first amplifier and the summing amplifier. In the specifications applicant's refers to the amplifier having unity gain but in claim 4 the gain is controlled. In figure 1B applicant illustrates a summing amplifier having a variable gain and the first amplifier having unity gain. Therefore, application has been examined as understood by examiner. Appropriate correction is required.

### *Double Patenting*

**Claims 1-12** are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over **claims 1,2,3,4,7, and 16** of U.S. Patent No. 5,867,514. Although the conflicting claims are not identical, they are not

Art Unit: 2877

patentably distinct from each other because all elements of the claimed circuit of instant application in figures 1A and 1B are exactly the same elements of the circuit in figures 1A and 1B of the Patent 5,867,514. Therefore, the following claims of instant application read on the following claims of Patent 5,867,514.

<b>Instant Application</b>	<b>Patent 5,867,514</b>
Claim 1	Claims 1,2
Claim 2	Claim 1
Claim 3	Claim 4
Claim 4	Claim 1
Claim 5	Claim 3
Claim 6	Claim 1
Claim 7	Claim 14
Claim 8	Claim 2

Regarding the limitations of **claim 1** of the instant application, wherein the function of the detecting circuit and the summing amplifier would have been obvious to one of ordinary skill in the art over the cited patent because the circuit was specifically design to detect and amplify the intensity level signals.

Regarding the limitations of **claims 2,9,10, and 12** of the instant application would have been obvious to one of ordinary skill in the art over the cited patent because

Art Unit: 2877


these limitations are explicitly disclosed in steps 1-11 of figure 2 and figure 1B illustrates the voltage divider to create the offset voltage (52).

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Armando Rodriguez whose telephone number is (703) 308-6218. The examiner can normally be reached on 10-hour day / M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (703) 308-4881. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
Armando Rodriguez  
Examiner  
Art Unit 2877

  
Frank G Font  
Supervisor  
Art Unit 2877

Ar/FGF  
January 3, 2001